

## CHAPTER 1

### Law, Regulations and Organization

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#### Section I. Code of Virginia

Legal authority to provide financial assistance to airports is contained in the following sections of the Code of Virginia.

#### **Grants or Loans of Public or Private Funds** - Section 5.1-2.16 of the Code of Virginia

The Board is authorized to accept, receive, receipt for, disburse and expend federal, state and other monies, public and private, made available by grant or loan or both, to plan, develop, promote and maintain airports in the state. All funds expended by the Board must be in accordance with terms and conditions prescribed by the Commonwealth.

**Commonwealth Aviation Fund Revenue Sources** - In order to provide financial assistance to airport sponsors in support of an air transportation system, the General Assembly created two dedicated revenue funds for the planning, development, promotion, and maintenance of airports. Those funds are the Aviation Special Fund and Commonwealth Airport Fund. The Aviation Special Funds are generated through the levy of taxes on aviation fuel purchased in the state and the sale and use of aircraft and aviation parts, as well as miscellaneous fees collected by the Department for licensing of aircraft and airports. Commonwealth Airport Funds are generated through taxes from general retail sales; automotive and aviation fuel; and motor vehicles.

#### ✍ **Aviation Special Fund** - Section 5.1-51 of the Code of Virginia

These funds can only be used for the purposes of: 1) The administration of the Department of Aviation; 2) The construction, maintenance, and improvement of public-use airports and landing areas; 3) Promotion of aviation in the interest of the public.

#### ✍ **Commonwealth Airport Fund** - Section 58.1 - 638 of the Code of Virginia

These funds can only be used for purposes of supporting planning and capital development needs at Virginia's licensed, public-use airports.

#### **Federal Airport Improvement Program (AIP)** – Section 5.1-47 of the Code of Virginia

This section of the Code of Virginia requires airport sponsors to submit requests for AIP funding assistance for the airport construction, planning and development to the Department for its approval prior to submission to the FAA.

## **Section II. Virginia Aviation Regulations**

Section 24 VAC 5-20-330 of the Virginia Aviation Regulations provides that before any State funds that are appropriated by the General Assembly of Virginia for the promotion of aviation and the planning, or construction or improvement of aviation facilities at licensed public-use airports or heliports, the owner thereof shall enter into a written agreement (grant agreement) with the Department, acting through the Director.

A grant agreement provides assurances called for by the Code of Virginia and policies adopted by the Board at all licensed, public-use airports. The Department reserves the right to establish assurances based upon project requirements.

## **Section III. Virginia Aviation Board**

**Members and Terms** - The Board consists of seven members and a chairman who are appointed by the Governor, and subject to confirmation by the General Assembly. The term of each member is four years. Board members terms are staggered to provide continuity. The Chairman is appointed by the Governor. Each member and the chairman are eligible to serve no more than two full successive terms.

**State-Wide Representation** - Board members are assigned geographic areas of responsibility. This division of responsibility provides the airport sponsor direct access to the Board through a member who is assigned to a specific area, and whenever possible, located close enough to be able to understand and respond to the sponsor's needs. The chairman serves at-large.

A list of Board members and their addresses as well as a map depicting the geographic boundaries of each Board member's area is provided at **Appendix A**. The Department encourages airport sponsors to maintain regular contact with the Board member representing their local area and to keep the Board member advised of any issue affecting the planned development of their airport.

**Powers and Duties** - Although the powers and duties of the Board are many, the four which are directly related to the Financial Assistance to Airports Program require the Board to: 1) Provide a means of citizen access to the Department; 2) Allocate on behalf of the Department, all funds to airport sponsors for aviation planning, development and promotion; 3) Advise the Governor, Secretary of Transportation, and the Director of the Department on matters relating to the Commonwealth's aviation policies and programs; 4) Promulgate regulations relating to airports, landing areas and other aviation facilities, aircraft, air space, stunt flying, and similar matters as may be proper and necessary to promote and develop safe aviation practices and operations.

**Meetings** – Normally the Board schedules its meetings during February, April, June, August,

October and December. Additional meetings are held as needed and the Board may meet on more than one occasion during the annual Virginia Aviation Conference, which is usually held in August of each year. These meetings are open to the public and attendance by airport sponsors is encouraged.

#### **Section IV. Department of Aviation**

##### **Powers and Duties of the Department of Aviation - Section 5.1-1.6 of the Code of Virginia**

This statute establishes the powers and duties of the Department of Aviation to create and administer the Financial Assistance to Airports Program. This statute provides that the Department shall: 1) Plan for the development of a state aviation system; 2) Promote aviation in the Commonwealth; 3) Provide assistance to cities, towns, counties, and other governmental subdivisions for the planning, development, construction, and operation of airports, landing fields, and other aviation facilities.